

TUCSON, ARIZONA
Supp. No. 98 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through December 31, 2012. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower left corner of each page revised in this package is “Supp. No. 98” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

Remove from Code. Add to Code

Title Page, ii. Title Page, ii

CHECKLIST OF UP-TO-DATE PAGES

[1] – [4]. [1] – [4]

CHAPTER 1: GENERAL PROVISIONS

119, 120. 119, 120

CHAPTER 3: SIGN CODE

245, 246. 245, 246

277, 278. 277, 278

CHAPTER 4: ANIMALS AND FOWL

331 – 334.1. 331 – 334.2

**CHAPTER 6: BUILDINGS, ELECTRICITY,
PLUMBING, AND MECHANICAL CODE**

449, 450. 449, 450

455 – 460. 455 – 460

Remove from Code. Add to Code

**CHAPTER 13: FIRE PROTECTION AND
PREVENTION**

1307 – 1310. 1307 – 1310

**CHAPTER 16: NEIGHBORHOOD
PRESERVATION**

1548.1 – 1552. 1548.1 – 1552

**CHAPTER 19: LICENSES AND PRIVILEGE
TAXES**

1709, 1710. 1709, 1710

CODE COMPARATIVE TABLE

3802.17, 3802.18. 3802.17, 3802.18

CODE INDEX

3843, 3844. 3843, 3844

TUCSON, ARIZONA
Supp. No. 98 – Instruction Sheet

TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title page, ii	98	105, 106	47
iii – xiv	OC	115, 116	OC
xv	3	117, 118	77
xxvii – xix	30	119, 120	98
xxi – xxiv	86	167, 168	92
xxv, xxvi	92	171, 172	91
xxvii – xxix	86	173 – 180	92
1, 2	47	181 – 184	83
3 – 7	25	185 – 188	94
8.1, 8.2	18	229, 230	92
9, 10	OC	231 – 236	80
11, 12	25	237 – 240	92
13 – 14.1	47	241 – 244	80
15, 16	25	245, 246	99
17 – 20	45	247, 248	94
21 – 22.1	47	249 – 252.2	92
23 – 28	OC	253 – 258	80
29, 30	18	259 – 266	92
31, 32	25	267 – 274	80
33, 34	45	275, 276	92
35 – 38.1	18	277, 278	98
39 – 44	OC	279, 280	96
45 – 48	78	281 – 330	80
49, 50	OC	331 – 334.2	98
51	18	335 – 340.3	71
53 – 55	12	341, 342	40

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
343, 344	64	845, 846	95
345 – 350	92	847, 848	97
395 – 398	75	851, 852	33
447, 448	94	853	8
449, 450	98	855, 856	31
450.1 – 450.4	94	857 – 862	91
451, 452	OC	864 – 866	81
453, 454	25	867, 868	94
455 – 460	98	869, 870	93
461 – 463	81	871, 872	97
511 – 518	95	875, 876	90
519, 520	24	877 – 880	88
521 – 522.2	69	881 – 884	95
523, 524	79	917 – 919	83
525, 526	73	967	39
527, 528	90	1063, 1064	95
529, 530	91	1065, 1066	90
531, 532	90	1067, 1068	95
532.1 – 532.8	88	1069, 1070	67
533 – 536.2	66	1071 – 1074.2	90
537 – 540	OC	1074.3 – 1074.8	44
541, 542	19	1075, 1076	49
543, 544	26	1077 – 1078.1	78
545, 546	90	1079 – 1080.4	62
547, 548	90	1081, 1082	69
548.1	74	1083 – 1084.1	81
549, 550	26	1085 – 1090	80
550.1, 550.2	81	1091, 1092	21
550.3 – 552	88	1093, 1094	67
553 – 562.3	81	1095 – 1098	86
563 – 566	37	1145 – 1147	65
567, 568	46	1167 – 1169	83
569 – 592	95	1189 – 1192	91
597 – 634	39	1193 – 1194.1	86
651	63	1195 – 1200	79
653 – 664	31	1203, 1204	20
665, 666	64	1205 – 1210	78
667 – 672	75	1211 – 1214	91
673	42	1259 – 1262	84
674.25 – 674.30	40	1307 – 1310	98
675, 676	96	1311 – 1313	78
677, 678	94	1361 – 1772	91
679, 680	96	1459 – 1462	96
681, 682	81	1463 – 1466	92
683 – 686	92	1467 – 1476	96
731 – 733	11	1477, 1478	97
783, 784	83	1479 – 1484	96
785 – 790	81	1527 – 1530	95
791 – 794	83	1531– 1546	89
795 – 808	96	1547, 1548	90

CHECKLIST OF UP-TO-DATE PAGES

Page No.	Supp. No.	Page No.	Supp. No.
1548.1 – 1552	98	1793, 1794	95
1553 – 1556	97	1795, 1796	93
1556.1, 1556.2	95	1799 – 1802.8	78
1557, 1558	83	1803, 1804	22
1559 – 1562	89	1805, 1806	40
1563 – 1568	95	1806.1	63
1579, 1580	63	1807, 1808	89
1581 – 1588.1	77	1809 – 1814	86
1589 – 1592	46	1814.1 – 1816	95
1593 – 1596	63	1817 – 1820	94
1643 – 1648	92	1825 – 1840	93
1691, 1692	88	1841, 1842	80
1693, 1694	94	1877, 1878	96
1695 – 1704	88	1879, 1880	61
1705 – 1708	79	1881 – 1882.1	77
1708.1, 1708.2	81	1883, 1884	73
1709, 1710	98	1885, 1886	74
1711 – 1712.4	97	1887 – 1896.2	96
1713, 1714	94	1897 – 1900	67
1715 – 1718	93	1901, 1902	87
1718.1, 1718.2	94	1903, 1904	96
1719 – 1722	66	1953 – 1958	87
1723, 1724	94	1959 – 1964.2	97
1725 – 1730	79	1965 – 1972	92
1731, 1732	83	1973 – 1980.4	97
1733 – 1734.2	94	1981 – 1984	83
1735 – 1744.4	93	1985, 1986	96
1745, 1746	87	1987 – 1990	83
1746.1 – 1746.2	77	1991 – 1994	96
1746.3 – 1746.6	81	2025	54
1747, 1748	56	2203 – 2205	86
1749 – 1752.2.4	74	2207 – 2212	83
1752.2.5, 1752.2.6	77	2213 – 2214.1	86
1752.3, 1752.4	87	2215 – 2226	83
1752.5, 1752.6	54	2227 – 2232.1	86
1753 – 1762.2	93	2233 – 2248	83
1763 – 1766	61	2283 – 2284.1	43
1766.1, 1766.2	74	2385 – 2402	OC
1766.3, 1766.4	79	2403, 2404	35
1766.5, 1766.6	87	2453 – 2454.1	69
1766.7 – 1766.10	94	2455, 2456	35
1767, 1768	37	2457 – 2461	69
1769, 1770	36	2463, 2464	27
1771 – 1772.2	94	2465 – 2466.2	34
1773, 1774	36	2467, 2468	OC
1775 – 1778.1	67	2469, 2470	26
1779, 1780	5	2471 – 2472.1	51
1781 – 1784	79	2473, 2474	27
1785 – 1788	83	2475 – 2477	69
1791, 1792	93	2525 – 2538.2	75

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
2539 – 2546	71	3803 – 3818	45
2547 – 2550.1	75	3819 – 3820.2	95
2551 – 2558	71	3821, 3822	80
2615, 2616	96	3823, 3824	84
2617, 2618	90	3825, 3826	94
2619 – 2626	92	3827, 3828	95
2627 – 2640.2	96	3829, 3830	92
2641 – 2652.2	92	3831 – 3834	95
2653 – 2658	90	3835, 3836	86
2695, 2696	96	3837, 3838	91
2697, 2698	83	3839, 3840	95
2699 – 2710	78	3841, 3842	96
2711 – 2712.2	96	3843, 3844	98
2713 – 2714.1	83	3845, 3846	90
2715 – 2726.1	78	3847, 3848	95
2727, 2728	64	3849, 3850	92
2729 – 2744	85	3850.1, 3850.2	91
2749, 2750	67	3851 – 3854	94
2751 – 2754	16	3855, 3856	90
2755 – 2762	68	3857 – 3864.2	95
2763 – 2767	67	3865, 3866	92
2801	34	3867 – 3870	96
2803	81	3871, 3872	95
3699 – 3752	OC	3873, 3874	83
3753 – 3758	4	3875, 3876	96
3759, 3760	6	3877 – 3880	92
3761, 3762	9	3880.1, 3880.2	97
3763, 3764	11	3881, 3882	92
3765, 3766	14	3883, 3884	93
3767, 3768	18	3885, 3886	95
3769, 3770	16	3887, 3888	90
3771, 3772	18	3889, 3890	96
3773, 3774	19	3891, 3892	83
3775, 3776	23		
3777 – 3780	27		
3781, 3782	31		
3783, 3784	36		
3785, 3786	39		
3787, 3788	44		
3789, 3790	51		
3791, 3792	54		
3793 – 3800	69		
3801, 3802	70		
3802.1, 3802.2	75		
3802.3 – 3802.8	81		
3802.9, 3802.10	83		
3802.11, 3802.12	88		
3802.13, 3802.14	92		
3802.15, 3802.16	96		
3802.17, 3802.18	98		

arrest, who escapes, or attempts to escape, while in the custody of the chief of police, shall be guilty of a misdemeanor.

(1953 Code, ch. 1, § 12; Ord. No. 2478, §§ 1, 2, 7-1-63)

State law reference – Assisting escape prohibited, A.R.S. § 13-2510.

Sec. 1-16. Treatment of prisoners.

All prisoners confined in the city jail or county jail shall be treated with the utmost kindness compatible with the enforcement of the rules and regulations necessary to compel discipline and obedience to the officer in charge.

(1953 Code, ch. 1, § 13)

State law reference – Abuse of prisoner prohibited, A.R.S. § 31-127.

Sec. 1-17. Duty of chief of police to assure security of prisoners.

The chief of police shall procure and use such means as he shall deem necessary for the security of all prisoners under his charge.

(1953 Code, ch. 1, § 14)

Sec. 1-18. Chief of police to prescribe additional prisoner regulations.

The chief of police shall prescribe such further rules and regulations as shall be necessary for carrying into effect the provisions of sections 1-9 through 1-17.

(1953 Code, ch. 1, § 15)

Cross reference – Filing regulations, § 2-9.

Sec. 1-19. Wards described.

Pursuant to section 8 of chapter XVI of the Tucson Charter, the six (6) wards of the city are redistricted. Each ward shall consist of all that part within the corporate limits of the city lying within the voting precincts established by the county board of supervisors and effective on July 1, 2012, as set forth below. The city clerk shall prepare a map entitled “City of Tucson Ward Map” depicting the ward boundaries and the precincts therein, three (3) copies of which map shall be kept on file in the office of the city clerk.

Sec. 1-19(1). Ward No. 1:

Precinct numbers 016, 017, 018, 019, 020, 022, 025, 026, 028, 033, 035, 037, 052, 059, 060, 097, 143, 144, 147, 155, 157, 185, 207, 250, 264, 279.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Sec. 1-19(2). Ward No. 2:

Precinct numbers 009, 061, 069, 099, 106, 107, 115, 116, 117, 118, 119, 120, 121, 126, 127, 128, 129, 130, 131, 174, 175, 178, 180, 181, 183, 190, 192, 199, 213, 214, 243, 246.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Sec. 1-19(3). Ward No. 3:

Precinct numbers 032, 034, 036, 038, 042, 043, 055, 056, 057, 058, 067, 068, 072, 085, 087, 089, 092, 153, 154, 156, 164, 166, 167, 170, 186, 210, 225, 230.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Sec. 1-19(4). Ward No. 4:

Precinct numbers 011, 049, 095, 105, 114, 122, 123, 124, 132, 133, 176, 177, 182, 195, 197, 217, 218, 221, 224, 249, 253, 254, 259, 260, 273, 280.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Sec. 1-19(5). Ward No. 5:

Precinct numbers 046, 048, 050, 051, 053, 054, 064, 066, 082, 086, 098, 159, 160, 196, 231, 247, 256, 272, 287, 288.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Sec. 1-19(6). Ward No. 6:

Precinct numbers 044, 045, 062, 063, 073, 075, 078, 080, 083, 090, 091, 093, 094, 096, 100, 103, 108, 109, 111, 113, 161, 189, 232, 245.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

(Ord. No. 2712, § 2, 12-12-64; Ord. No. 3200, § 1, 12-20-68; Ord. No. 4042, § 1, 6-25-73; Ord. No. 4579, § 1, 10-4-76; Ord. No. 5011, § 1, 8-6-79; Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7875, § 1, 8-3-92; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12)

Charter reference – City to be divided into wards, ch. XVI, § 8.

Cross reference – Elections generally, ch. 12.

Sec. 1-20. Additions to wards upon annexation.

Upon annexation of new areas to the city, the annexed area shall, unless otherwise specified, be added to the ward formed by the projection of the following boundary lines:

Sec. 1-20(1). Ward No. 1.

Projection of Silverbell Road to the north and Tucson Nogales Highway to the south.

Sec. 1-20(2). Ward No. 2.

Projection of Country Club Road to the north and 22nd Street to the east.

Sec. 1-20(3). Ward No. 3.

Projection of Silverbell Road to the north and Country Club Road to the north.

Sec. 1-20(4). Ward No. 4.

Projection of Wilmot Road to the south and 22nd Street to the east.

Sec. 1-20(5). Ward No. 5.

Projection of Tucson Nogales Highway to the south and Wilmot Road to the south.

Sec. 1-20(6). Ward No. 6.

No projection.

(Ord. No. 2712, § 2, 12-21-64; Ord. No. 3200, § 1, 12-20-68; Ord. No. 4042, § 2, 6-25-78; Ord. No. 4579, § 2, 10-4-76; Ord. No. 7940, § 2, 12-14-92; Ord. No. 9785, § 2, 10-21-02; Ord. No. 11033, § 2, 11-20-12)

Cross reference – Elections generally, ch. 12.

committee shall review proposed amendments to the sign permit fees and make recommendations to the mayor and council. The mayor and council shall make the final decision to approve, deny or modify the sign permit fees.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-25 – 3-30. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS

Sec. 3-31. Regulations established.

The sign regulations of this sign code shall be subject to the additional requirements, conditions and exceptions specified in this article.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-32. Sign area.

The area of a sign shall be determined as follows (see Figure 1: Area of a Sign):

A. *Single face sign:*

1. The entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square or rectangle that circumscribes the entire message.

B. *Two (2) or more faced sign:* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed five (5) feet, or when the interior angle of the sign faces does not exceed 45° if the boards are in a “V” configuration.

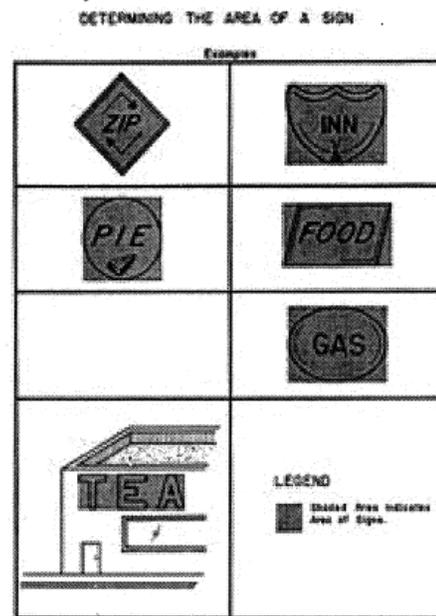


Figure 1: Area of a Sign

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-33. Grade.

A. *General:* The grade of a sign is the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane, except as provided in paragraphs B. through D., below.

B. The grade of a sign more than forty (40) feet from the outside edge of the street or roadway travel lane is the lowest point of elevation of a finished surface within a twenty (20) foot radius of the base of the sign.

C. *Freeway grade:* For freeway signs and billboards, the freeway grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign or billboard.

D. A Sign Code Administrator's determination, taking into consideration the surrounding conditions, location of vehicular access points, and topography, is required for any sign located on a finished surface which is five (5) or more feet below the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 1, 12-14-10; Ord. No. 10951, §§ 1 and 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*)

***Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: "The provisions of this Ordinance amending Sections 3-33 and 3-82 of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and 3-82, as amended or to revert to those provisions existing prior to this Ordinance."

Sec. 3-34. Premises.

A premises is all contiguous land used and occupied by a use or business. All buildings, parking, storage and service areas, and private roads or driveways that are an integral part of the use or business are considered part of the premises. Commercial shopping centers, office complexes, commercial or industrial subdivisions, or similar developments are a premises to the extent such lands are identified as a single site for zoning under an approved development plan. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-35. Maximum sign area.

Maximum sign area is determined in accordance with Article V, except that the maximum on-site total sign area for commercial, office or industrial uses located within two hundred fifty (250) feet of a freeway shall be four (4) square feet per foot of those portions of street frontage located within two hundred fifty (250) feet of the freeway. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-36. Setback.

The sign and structure must be installed on private property and set back at least twenty (20) feet from the face of the curb, unless otherwise specified in this sign code. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-37. Signs near residences.

No off-site sign shall be permitted if such sign faces the front or side yard of any lot within any residential district and is located within one hundred fifty (150) feet of such lot line. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-38. Multiple frontage lots.

On corner lots and other lots with more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowances, however, are not transferable either in whole or in part from one street frontage to another. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-39. Intersection corner sign.

A. When a sign is erected at the street intersection corner of the lot and is placed in such a manner so as to be readable from both streets or both frontages, the sign shall not exceed the maximum area allowed for the longest street frontage.

B. The sign shall count as one sign for each street frontage.

C. The area of the sign shall be deducted from the allowable sign area for each street frontage. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-40. Signs per street frontage.

A. *General rule:* For premises having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage and are not transferable either in whole or in part from one street frontage to another.

B. *Freestanding sign exception:* The more stringent restrictions of the sign district shall apply to freestanding signs. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-41. Access regulated.

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of

- g. Within SCZ buffer electronic message signs and exposed neon signs are prohibited.
- 4. Menu boards.
- 5. Medical services directional sign.
 - a. Maximum area: Eight (8) square feet.
 - b. Maximum height: Four (4) feet to top of sign.
 - c. Permitted: Only if no frontage on collector or arterial street.
- 6. Real estate signs, only types listed.
 - a. Real estate for sale or lease signs.
 - (1) Maximum area:
 - (a) Residential properties: Four (4) square feet.
 - (b) Vacant land: Sixteen (16) square feet.
 - (c) Commercial and industrial development: Eight (8) square feet. Must be placed on the building for sale or lease and not on any buffer wall, landscape element, etc.
 - b. Real estate project identity entrance sign.
 - c. Real estate subdivision sign.
 - (1) Maximum faces: Two (2).
 - (2) Maximum area: Sixteen (16) square feet.
 - (3) Maximum height: Ten (10) feet from grade to top of sign.
- 7. Temporary signs.

8. Traffic directional signs:

- a. Within the scenic corridor thirty (30) foot landscape buffer the following shall apply:
 - (1) Minimum site area: Ten (10) acres.
 - (2) Maximum area: Three (3) square feet; tenant identification or logo not to exceed one (1) square foot.
 - (3) Maximum number: One (1) per vehicular entrance.
 - (4) Location: Within twenty (20) feet of the entrance.

9. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 2, 12-14-10; Ord. No. 10951, § 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*)

***Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: “The provisions of this Ordinance amending Sections 3-33 and 3-82 of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and 3-82, as amended or to revert to those provisions existing prior to this Ordinance.”

Secs. 3-83 – 3-90. Reserved.

ARTICLE VII. SIGN MAINTENANCE

Sec. 3-91. Maintenance.

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is considered maintenance of a sign. The sign code administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within one hundred (100) days after it is installed or erected.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-92. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-93. Removal of dangerous or defective signs.

The sign code administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-94, 3-95. Reserved.

ARTICLE VIII. NONCONFORMING SIGNS AND CHANGE OF USE

Sec. 3-96. Signs for legal nonconforming uses.

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the Land Use Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. Any such sign legally existing on the effective date of this sign code but that does not comply with the regulations of this sign code adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled, or replaced, unless it is brought into compliance with the requirements of this Sign Code.

D. Notwithstanding the provisions of Sec. 3-96. C., a nonconforming detached sign may be relocated, altered, removed and reinstalled, or replaced, subject to meeting all of the following conditions:

1. The sign is a legally permitted on-site sign.
2. A sign permit must be obtained prior to commencing any such relocation, alteration, removal and reinstallation, or replacement. The following information must be attached to the sign permit application:
 - a. Photographs of all existing signs on the property.
 - b. Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - c. Scaled drawings showing the new configuration of the sign and setback.
3. The sign must be decreased in height by at least twenty percent (20%) and shall not exceed twenty (20) feet in height.
4. The sign must be decreased in sign area by at least twenty percent (20%) and shall not exceed one hundred (100) square feet in area.
5. If the sign shares a common structure with other tenants, the aggregate area of all tenant signs must be reduced by at least twenty percent (20%) and shall not exceed one hundred (100) square feet, and the height of the common structure must be reduced by at least twenty percent (20%) and shall not exceed twenty (20) feet.
6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover

ARTICLE I. IN GENERAL**Sec. 4-1. Enforcement.**

Any peace officer, or any county animal control officer, is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof.

(1953 Code, ch. 4, § 10; Ord. No. 6043, § 1, 6-25-84)

Sec. 4-2. Interfering with enforcement officers; releasing impounded animals.

It shall be unlawful for any persons to interfere with any officer authorized to enforce this chapter in the performance of his duties, or to release any animal duly impounded, and any person guilty of such act shall be guilty of a misdemeanor.

(1953 Code, ch. 4, § 24)

Sec. 4-3. Cruelty and neglect.

Sec. 4-3(1). Cruelty. Whoever overdrives, overloads, overworks, tortures, torments, cruelly beats, mutilates or unlawfully kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, and whoever, having charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, cruelly drives or works it when unfit for labor, or cruelly abandons it, or carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind, shall be guilty of a misdemeanor.

Sec. 4-3(2). Neglect. The purpose of this subsection is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Any person owning or having care, control or custody of any animal shall provide:

- (a) That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.

- (b) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.
- (c) That, except for livestock, all animals have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites.
- (d) That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering.
- (e) That the animal is given adequate exercise space as follows:
 - (1) Within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition;
 - (2) Tieouts are prohibited.
 - (3) Temporary tethering for horses is exempt from the provisions of Tucson Code, subsection 4-3(2)(e)(2).
- (f) That the animal has access to adequate ventilation and is protected from temperature extremes at all times. In this connection, it is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or

the ventilation is so inadequate, as to endanger the animal's life or health. Any peace officer or county animal control officer is authorized to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within the vehicle or other enclosed space.

No peace officer or county animal control officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

- (g) No person shall give or administer anabolic steroids as defined in the United States Code and the relevant sections of the Code of Federal Regulations, to any greyhound dog in training for or being used for racing within the State of Arizona, in order to artificially enhance performance or suppress estrus. This provision may not be waived as dictated by treatment under direction of a licensed veterinarian.

Sec. 4-3(3). Any of the provisions of this section except for the provisions of Section 4-3(2)(g) may be waived as dictated by treatment under direction of a licensed veterinarian.

Sec. 4-3(4). Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 4-3(5). Penalties. A violation of any provision of this section is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00). No judge, magistrate or special magistrate may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years probation, or any combination thereof.

In addition, restitution shall be ordered to the victim. This remedy shall not abridge any civil cause of action by the victim.

In addition, upon finding of neglect or cruelty by a city magistrate or special magistrate, the magistrate or special magistrate may order that the owner shall not be permitted to own or control any animal for a period of up to three (3) years. (Ord. No. 7241, § 1, 7-3-89; Ord. No. 8996, § 1, 12-8-97) (1953 Code, ch. 4, § 29; Ord. No. 6043, § 2, 6-25-84; Ord. No. 8713, § 1, 6-10-96; Ord. No. 11027, § 1, 10-9-12)

State Law Reference – Cruelty to animals generally, A.R.S. §§ 13-951 – 13-953.

Sec. 4-4. Animal or fowl fights prohibited.

Any person who is the owner of, or who has the charge, custody or control of any animal or fowl, who willfully and knowingly permits or aids, abets or encourages, such animal or fowl to engage in a fight with any other animal or fowl within the city, on a wager, or for sport, or for any other purpose, shall be deemed guilty of a misdemeanor. (1953 Code, ch. 4, § 39)

Sec. 4-5. Failure to render aid to animals struck by vehicles.

If any person accidentally or otherwise hits an animal with an automobile or other vehicle and injures the same within the city and goes away without making a reasonable effort to render aid and assistance in the care of such animal, he shall be deemed guilty of a misdemeanor. (1953 Code, ch. 4, § 25)

Sec. 4-6. Harboring lost animals.

It shall be unlawful for any person to harbor or keep within the city any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the animal shelter or pound at once. (1953 Code, ch. 4, § 30)

Sec. 4-7. Vicious or destructive animals.

Sec. 4-7(1). Definitions. In this section, unless the context otherwise requires:

- (a) *Bite* means any penetration of the skin by the teeth of any animal.

- (b) *Destructive animal* means any animal that has a propensity to destroy, damage or cause damage to the property of a person other than the animal's owner.
- (c) *Owner* shall be defined in section 4-9 of this article.
- (d) *Vicious animal* means any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured human beings or other animals, except as provided in minor section 4-7(4), or one that has been declared vicious pursuant to this article.
- (e) *Police dog* means any dog belonging to any law enforcement agency service dog unit.
- (f) *Provocation* means any behavior toward an animal or its owner which is likely to cause a defensive reaction by the animal.

Sec. 4-7(2). Prohibited Activity.

- (a) It shall be unlawful for any person to keep, control, harbor or otherwise have under control any animal which is vicious or destructive. This section shall not apply to zoos, wild animal parks, animal shelters or persons complying with section 4-25 of article II of this chapter, or with the orders of a city magistrate issued pursuant to this article.
- (b) The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals is guilty of a misdemeanor, except as provided in minor section 4-7(4).
- (c) The owner of any animal that destroys, damages or causes damage to the property of another person is guilty of a misdemeanor.
- (d) It is unlawful for any person to fail to comply with an order of a city magistrate or special magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such person fails to comply with the magistrate's order.

Sec. 4-7(3). Penalty. A violation of any provision of this section is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than two thousand five hundred dollars (\$2,500.00). No magistrate or special magistrate may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years probation, or any combination thereof.

In addition, unless the animal has been previously forfeited or destroyed, upon a finding of guilt, a magistrate or special magistrate shall declare an animal vicious or destructive and shall order one (1) or more of the following:

- (a) That the animal shall be spayed or neutered by a licensed veterinarian at the owner's expense and that the owner of the animal shall comply with the provisions of sections 4-13(e), (f) and (g); or
- (b) That the animal be banished from the city limits after first being spayed or neutered, microchipped and tattooed, by a licensed veterinarian at the owner's expense; the animal may be forfeited to the city enforcement agent or the owner shall provide a certificate of spaying or neutering, and microchipping and tattooing from a licensed veterinarian to the city enforcement agent within the time given by the court to ensure the humane destruction of the animal or the spaying or neutering and microchipping and tattooing of the animal before banishment; or
- (c) That the animal be humanely destroyed.

In addition, restitution shall be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim. (Ord. No. 6828, § 1, 11-16-87; Ord. No. 6854, § 1, 11-30-87; Ord. No. 7007, § 1, 8-1-88; Ord. No. 7241, § 2, 7-3-89; Ord. No. 9804, § 3, 1-13-03; Ord. No. 10206, § 1, 10-4-05)

Sec. 4-7(4). Defenses. It shall be an affirmative defense to the provisions of this section if the animal is:

- (a) Not at large and there is provocation; or

- (b) A police dog under the command of its trainer.

Sec. 4-7(5). Authority and procedures to remove and impound. The authority and procedure to remove and impound an animal shall be pursuant to those described in sections 4-10 and 4-11 of the Tucson Code.

(Ord. No. 6197, § 2, 3-11-85; 1953 Code, ch. 4., § 28; Ord. No. 6043, § 3, 6-25-84; Ord. No. 8996, § 2, 12-8-97)

State law reference – Liability for injury caused by animal, A.R.S. § 24-501 et seq.

Sec. 4-8. Sale of animals at swap meets and public property prohibited; sale of baby chickens, ducklings or young rabbits forbidden; exceptions; penalties.

(a) It shall be unlawful to display or offer for sale, trade, gift or other transfer of ownership or to make a sale, trade, gift or otherwise transfer any animal including birds and reptiles on or from any public street, roadway, right-of-way, sidewalk, park or swap meet.

(b) It shall be unlawful for any person to sell or to give away baby chickens or ducklings under six (6) weeks of age or rabbits under two (2) months of age in less than half-dozen lots as premiums, novelties, prizes, pets or toys, for the promotion of any business, sale, activity or other promotional use.

(c) Exceptions. Subsection (a) shall not prohibit the sale, gift or other transfer of ownership of animals at activities or events that are regulated by other state or county agencies. Subsection (b) shall not be considered to prohibit the sale of display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of any sanitary code, or other rules and regulations of the board of health, by breeders and those engaged in the business of selling for commercial breeding and raising purposes. Subsections (a) and (b) of this section shall not prohibit the use of off-site signs or advertising, to the extent such signs or advertising are otherwise permitted.

(d) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(e) Penalties. A violation of any provision of this section is punishable by a fine of not more than three hundred dollars (\$300.00) for any person. Each day such violation continues shall constitute a separate offense.

(Ord. No. 2704, § 1, 12-7-64; Ord. No. 10475, § 1, 11-13-07)

Sec. 4-9. Definitions.

In this chapter, unless the context otherwise requires:

(a) *Animal* means any fowl, reptile, amphibian or mammal, except human beings.

(b) *Fowl* means a bird of any kind.

(c) *Owner* means any person owning, keeping, possessing, harboring, maintaining or having custody or otherwise having control of an animal.

(d) *Wild animal* means any animal which is now or historically has been found in the wild, or in the wild state. Wild state means living in its original, natural condition; not domesticated. Any hybrid cross resulting from the cross breeding between two (2) different species or types of animals, including crosses between wild animal species and domestic animals such as dog-wolf crosses, are considered wild animals.

(Ord. No. 4531, § 1, 6-28-76; Ord. No. 6043, § 4, 6-25-84; Ord. No. 8996, § 3, 12-8-97)

Sec. 4-10. Authority to remove and impound animals.

(a) A peace officer or a city enforcement agent is hereby authorized and empowered to remove and impound any animal in plain view, or pursuant to a valid search warrant if the officer has probable cause to believe any of the following:

- (1) That an animal is in distress caused by mistreatment, tie-out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or

potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or

- (2) That an animal's well-being is threatened by a dangerous condition or circumstance;

and if he has reason to believe either:

- a. That the distress of the animal or the dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or
 - b. That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.
- (3) That an animal is vicious or destructive and may be a danger to the safety of any person or other animal.

(b) An animal is deemed to be in distress if it is on a tie-out.
(Ord. No. 6043, § 5, 6-25-84; Ord. No. 8996, § 4, 12-8-97)

Sec. 4-11. Procedure to remove and forfeit animals; notice; order to show cause hearing; disclosure; appeal.

(a) The following procedures shall be followed by the city enforcement agent or a peace officer when any animal is removed or impounded pursuant to sections 4-7 and 4-10:

- (1) If the owner is known, and unless the owner signs a statement permanently re-

TUCSON CODE

BUILDINGS, ELECTRICITY, PLUMBING, AND MECHANICAL CODE

Article VI. Mechanical Code

- Sec. 6-160. Reserved.
- Sec. 6-161. Office of mechanical inspection supervisor established.
- Sec. 6-162. Qualifications; assistants.
- Sec. 6-163. General duties.
- Sec. 6-164. Mechanical code adopted.
- Sec. 6-165. Clerk to keep copies of mechanical code.
- Sec. 6-166. Amendments of the mechanical code.
- Sec. 6-167. Fuel gas code adopted.
- Secs. 6-168 – 6-170. Reserved.

Article VII. Solar System Code

- Sec. 6-171. Solar system code adopted.
- Sec. 6-172. Clerk to keep copies of the solar system code.
- Sec. 6-173. Amendments to the solar system code.
- Sec. 6-174. Reserved.
- Secs. 6-175 – 6-180. Reserved.

Article VIII. Rainwater Collection and Distribution Requirements

- Sec. 6-181. Definitions.
- Sec. 6-182. Rainwater harvesting plan.
- Sec. 6-183. Construction of rainwater harvesting system; minimum landscape budget requirements; request for rainwater harvesting plan revision.
- Sec. 6-184. Restrictions on installation of rainwater harvesting system invalid.
- Sec. 6-185. Exceptions.
- Sec. 6-186. Annual report.
- Sec. 6-187. Violation.
- Sec. 6-188. Applicability.
- Secs. 6-189 – 6-190. Reserved.

Article IX. Reserved

- Secs. 6-191 – 6-193. Reserved.

TUCSON CODE

tion of and approve or condemn all buildings or structures within the jurisdiction of the city, control types and classes of material and the method, manner and workmanship for the construction and repair of buildings and structures, approve or disapprove the use of building materials or devices, inspect public and private premises for violations of the provisions of this chapter 6 and of such other portions of the Tucson Code as the building safety administrator may direct, give notice of defects in construction and repair, alterations or changes of buildings and structures, receive applications for issuing permits or building construction repairs, alterations or changes, collect and account for fees, examine and approve plans and specifications for proposed building construction, repairs, alterations or changes and advise on necessary changes in such plans and specifications, certify to compliance with plans and specifications on building work, make such reports as shall be required from time to time by the building safety administrator, and make any recommendations to the building safety administrator which the building inspection supervisor may deem practical and desirable.

(Ord. No. 5531, § 2, 3-22-82)

Sec. 6-34. Building code adopted.

The document entitled “International Building Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “A” are hereby adopted.

(Ord. No. 5331, § 2, 3-22-82; Ord. No. 5771, § 1, 5-23-83; Ord. No. 6567, § 1, 11-10-86; Ord. No. 7179, § 1, 4-24-89; Ord. No. 7792, § 1, 4-13-92; Ord. No. 8607, § 1, 1-2-96; Ord. No. 9155, § 1, 11-2-98; Ord. No. 9491, § 1, 11-20-00; Ord. No. 9526, § 4, 3-19-01; Ord. No. 10035, § 1, 9-7-04; Ord. No. 10142, § 2, 4-12-05; Ord. No. 10417, § 2, 6-12-07; Ord. No. 10625, § 1, 1-13-09; Ord. No. 11042, § 1, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit A is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 6-35. Clerk to keep copies of building code.

Three (3) copies of the building code adopted in section 6-34 shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours. (Ord. No. 5531, § 2, 3-22-82)

Sec. 6-36. Amendments to building code.

The building code adopted in section 6-34 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the building code shall be kept on file by the city clerk as public records and shall be kept available for public use and inspection during regular office hours.

(Ord. No. 5531, § 2, 3-22-82; Ord. No. 10035, § 3, 9-7-04)

Sec. 6-37. Applicability of administrative and building codes.

Every new building and structure erected in or moved into the jurisdiction of the city after June 30, 1992, shall conform to the applicable requirements of the Building Safety Administrative Code adopted in section 6-1 and as amended, and to the requirements of the building code adopted in section 6-34 and as amended. All additions, alterations, repairs, changes of use or occupancy in all buildings or structures within the jurisdiction of the city shall conform to the applicable requirements of the Building Safety Administrative Code adopted in section 6-1 and as amended, and to the requirements of the building code adopted in section 6-34 and as amended, applicable to new buildings, except as specifically provided for therein. Every building and structure existing in the city after June 30, 1992, shall conform to the requirements of the building code adopted in section 6-34 and as amended, which expressly or necessarily require that they apply to such existing buildings and structures, and to the requirements of the Building Safety Administrative Code of the city, adopted in section 6-1 and as amended, applicable to existing buildings.

(Ord. No. 5531, § 2, 5-23-83; Ord. No. 5771, § 2, 5-23-83; Ord. No. 6000, § 1, 4-23-84; Ord. No. 6567, § 2, 11-10-86; Ord. No. 7179, § 2, 4-24-89; Ord. No. 7792, § 2, 4-13-92)

Sec. 6-38. Residential code adopted.

The documents entitled “International Residential Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “B” are hereby adopted.

(Ord. No. 9491, § 2, 11-20-00; Ord. No. 9526, § 5, 3-19-01; Ord. No. 9813, § 2, 2-10-03; Ord. No. 10035, § 2, 9-7-04; Ord. No. 10142, § 1, 4-12-05; Ord. No.

10417, § 3, 6-12-07; Ord. No. 10579, § 2, 9-23-08; Ord. No. 10605, § 1 (Exh. A), 11-25-08; Ord. No. 11042, § 2, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit B is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 6-39. Reserved.

Sec. 6-40. Energy conservation code adopted.

The document entitled the “International Energy Conservation Code, 2012 Edition” with local amendments, a copy of which amendments are attached as Exhibit “C” to Ordinance No. 11042 are hereby adopted.

(Ord. No. 9491, § 3, 11-20-00; Ord. No. 9813, § 4, 2-10-03; Ord. No. 10178, § 1, 7-6-05; Ord. No. 10417, § 4, 6-12-07; Ord. No. 11042, § 3, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit C is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Secs. 6-41 – 6-65. Reserved.

DIVISION 2. EXISTING BUILDING CODE*

Sec. 6-66. Existing building code adopted.

The documents entitled “International Existing Building Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “D” are hereby adopted.

(Ord. No. 10436, § 2, 7-10-07; Ord. No. 11042, § 4, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit D is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Secs. 6-67 – 6-70. Reserved.

***Editor’s note** – Prior to the reenactment of Div. 2 by Ord. No. 10436, Ord. No. 9816, § 1, adopted February 24, 2003, repealed Div. 2, §§ 6-66 – 6-68, and enacted similar provisions set out in §§ 16-12, 16-14 and 16-20 – 16-28. Former Div. 2 pertained to the dangerous buildings code. See the Code Comparative Table.

DIVISION 3. RESERVED†

Secs. 6-71 – 6-80. Reserved.

ARTICLE IV. ELECTRICITY‡

DIVISION 1. ELECTRICAL CODE**

Sec. 6-81. Electrical inspection supervisor – Office created.

The office of electrical inspection supervisor is established. The electrical inspection supervisor shall be responsible to an under the authority of the building safety administrator.

(Ord. No. 5442, § 2, 9-28-81)

Sec. 6-82. Same – Qualifications; assistants.

No person shall be appointed electrical inspection supervisor who shall not possess the required minimum qualifications for that position as expressed in the position classification plan of the city. The electrical inspection supervisor shall be assisted by electrical inspectors who possess the required minimum qualifications for their respective positions as are expressed in the position classification plan of the city. The electrical inspection supervisor may from time to time delegate to his assistants such of his authority as is necessary or desirable.

(Ord. No. 5442, § 2, 9-28-81)

†**Editor’s note** – Ord. No. 9816, § 2, adopted February 24, 2003, repealed Div. 3, §§ 6-71 – 6-73, and enacted similar provisions set out in new §§ 16-11 and 16-12. Former Div. 3 pertained to the housing safety code. See the Code Comparative Table.

‡**Editor’s note** – Ord. No. 5155, § 1, adopted May 27, 1980, repealed ch. 6, art. IV, §§ 6-82 – 6-111, derived from Ord. No. 4688, § 2, adopted August 1, 1977; Ord. No. 4836, § 3, adopted June 26, 1978; § 2 enacted a new art. IV, §§ 6-81 – 6-98. Subsequently, § 2 of Ord. No. 5338, adopted April 6, 1981, designated §§ 6-81 – 6-100 as "Division 1. Electrical Code" of art. VI. Section 3 added new §§ 6-101 – 6-113 as div. 2. Subsequently, § 1 of Ord. No. 5442, adopted September 28, 1981, repealed div. 1, §§ 6-81 – 6-98; and § 2 added a new div. 1, §§ 6-81 – 6-87.

****Cross reference** – Technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of electrical code, § 28-4(1).

Sec. 6-83. Same – General duties.

The duties of the electrical inspection supervisor shall be to inspect the installation of, and approve or condemn, all electrical wiring, fixtures, apparatus, appliances, devices or equipment; enforce any and all regulations, control types and classes of material and method, manner and workmanship for the installation of wiring apparatus and other electrical equipment; approve or disapprove the use of electrical materials or devices; inspect public and private premises for electrical wiring, fixtures or other electrical apparatus; give notice of defects in wiring, fixtures, appliances or equipment; receive applications for issuing permits for electrical installations and repairs; examine and approve plans and specifications for proposed electrical installations or alterations, and confer and advise on necessary changes; certify to compliance with plans and specifications on electrical work; make such reports as shall be required from time to time and make any recommendations to the building safety administrator which he may deem practical in connection with this article or its enforcement. (Ord. No. 5442, § 2, 9-28-81)

Sec. 6-84. Electrical code adopted.

The document entitled "2011 National Electrical Code" with local amendments, a copy of which amendments are attached as Exhibit "E" to Ordinance No. 11042 are hereby adopted. (Ord. No. 5442, § 2, 9-28-81; Ord. No. 6106, § 1, 10-15-84; Ord. No. 6787, § 1, 9-14-87; Ord. No. 7504, § 1, 9-24-90; Ord. No. 8043, § 1, 5-10-93; Ord. No. 8750, § 1, 8-5-96; Ord. No. 9287, § 1, 9-27-99; Ord. No. 9812, § 1, 2-10-03; Ord. No. 10417, § 5, 6-12-07; Ord. No. 11042, § 5, 12-18-12, eff. 1-2-13)

Editor's note – Exhibit E is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 6-85. Clerk to keep copies of electrical code.

Three (3) copies of the electrical code adopted in section 6-84 shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours. (Ord. No. 5442, § 2, 9-28-81)

Sec. 6-86. Amendments to the electrical code.

The electrical code adopted in section 6-84 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the electrical code shall be kept available for public use and inspection during regular office hours. (Ord. No. 5442, § 2, 9-28-81)

Sec. 6-87. Reserved.

Editor's note – Section 6-87, declaring violation of this article unlawful, derived from Ord. No. 5442, § 2, adopted September 28, 1981, was repealed by § 1 of Ord. No. 5717, adopted February 28, 1983. Penalty for violation of this ch. 6 is now given in § 6.5.

Secs. 6-88 – 6-100. Reserved.**DIVISION 2. OUTDOOR LIGHTING CODE*****Sec. 6-101. Outdoor lighting code adopted.**

The document entitled "City of Tucson/Pima County Outdoor Lighting Code", a copy of which is attached to Ordinance No. 10135 as Exhibit A is adopted as the Outdoor Lighting Code for the City of Tucson, except for those provisions which are designed for use by Pima County. (Ord. No. 6344, § 2, 12-2-85; Ord. No. 6786, § 1, 9-14-87; Ord. No. 8210, § 1, 3-21-94; Ord. No. 10135, § 2, 3-22-05)

Sec. 6-102. Clerk to keep copies of outdoor lighting code.

Three (3) copies of the outdoor lighting code adopted in section 6-101 shall be filed in the office of the county clerk and are made public records and shall be available for public use and inspection during regular office hours. (Ord. No. 6344, § 2, 12-2-85)

***Editor's note** – Section 1 of Ord. No. 6344, adopted December 2, 1985, repealed div. 1, §§ 6-101 – 6-120, derived from § 3 of Ord. No. 5338, adopted April 6, 1981, entitled "Light Pollution Code." Section 2 of Ord. No. 6344 added a new div. 2, entitled "Outdoor lighting code," §§ 6-101 – 6-120. Section 4 adopts "The Tucson/Pima County Outdoor Lighting Code," exhibit A to the ordinance, by reference. The complete text is not set out.

Cross reference – Technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of outdoor lighting code, § 28-4(1).

Sec. 6-103. Amendments to outdoor lighting code.

The outdoor lighting code adopted in section 6-101 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the outdoor lighting code shall be kept on file by the city clerk as public records and shall be available for public use and inspection during regular office hours.
(Ord. No. 6344, § 2, 12-2-85)

Sec. 6-104. Penalty.

It shall be a civil infraction for any person, firm or corporation to violate any of the provisions of the Outdoor Lighting Code adopted in section 6-101. Each and every day during which any violation continues shall constitute a separate offense. When a violation of this Code is determined, the following penalty shall be imposed:

- (1) A fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per violation. The imposition of a fine under this Code shall not be suspended.
- (2) Any other order deemed necessary in the discretion of the judge, including correction or abatement of the violation.

(Ord. No. 10135, § 3, 3-22-05)

Secs. 6-105 – 6-120. Reserved.

ARTICLE V. PLUMBING CODE*

***Editor’s note** – Ord. No. 5331, § 1, adopted May 11, 1981, repealed art. V, §§ 6-123 – 6-150; and § 2 enacted a new art. V, §§ 6-121 – 6-126. Formerly, art. V was derived from the 1953 Code, ch. 9, §§ 52, 53, 55 – 59, 61 – 65, 67 – 70, and the following ordinances:

Ord. No.	Date	Section
2127	3-20-60	1, 2
2356	10-15-62	1
2770	5-10-65	1, 2
3609	2-16-71	1, 2
3634	4-12-71	1
4253	10-14-74	1
4830	6-12-78	2, 3, 5
4836	6-26-78	4

Sec. 6-121. Office of plumbing inspector established.

The office of plumbing inspector is established. The plumbing inspector shall be responsible to, and under authority of, the building safety administrator.
(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-122. Qualifications of inspectors.

No person shall be appointed a plumbing inspector for the city who shall not have had a minimum of five (5) years’ practical experience. He shall also possess the required minimum qualifications for such a position, as expressed in the position classification plan of the city, as promulgated by the personnel department of the city. He shall be familiar with the codes and ordinances of the city relating to plumbing piping, fixtures and appliances.
(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-123. General duties of inspectors.

The duties of each plumbing inspector are to inspect all plumbing construction work, plumbing installations, and renewals thereof in the city; to enforce rules and regulations concerning plumbing installations of all kinds; and to perform related duties as required by this article and the code adopted herein. The plumbing inspector under the code or this article shall perform the following duties: Inspect the installation of and approve or condemn all plumbing piping, fixtures, apparatus, appliances, devices, equipment and drainage work, for any and all purposes within the jurisdiction of the city; enforce rules and regulations, control types and classes of material and the method, manner and workmanship for the installation of plumbing equipment; approve or disapprove the use of plumbing materials or devices; inspect public and private premises for plumbing fixtures, or other apparatus; give notice of defects in plumbing fixtures, appliances or equipment; receive applications for issuing permits for plumbing installations and repairs; collect and account for fees; examine and approve plans and specifications for

Cross references – Housing regulations, ch. 16; sewage and sewage disposal, ch. 24; water, ch. 27; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of plumbing code, § 28-4(1).

proposed plumbing installations or alterations, and confer and advise on necessary changes thereto; certify to compliance with plans and specifications on plumbing work; keep a complete record of all applications for permits, of all permits so issued, and of all inspections made under each permit; make such reports as shall be required from time to time and make any recommendations to the building safety administrator which he may deem practical in connection with this article and the code adopted in section 6-124, and the enforcement thereof. (Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-124. Plumbing code adopted.

The document entitled “International Plumbing Code, 2012 Edition”, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “F” are hereby adopted. (Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83; Ord. No. 6571, § 1, 11-10-86; Ord. No. 7178, § 1, 4-24-89; Ord. No. 7796, § 1, 4-13-92; Ord. No. 8604, § 1, 11-20-95; Ord. No. 9491, § 4, 11-20-00; Ord. No. 9526, § 1, 3-19-01; Ord. No. 10184, § 1, 9-7-05; Ord. No. 10436, § 1, 7-10-07; Ord. No. 11042, § 6, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit F is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 6-125. Clerk to keep copies of plumbing code.

Three (3) copies of the plumbing code adopted in section 6-124 and three (3) copies of the “Manual of Backflow and Cross-Connection Control,” which is in part incorporated by reference in section 1003(q) of the plumbing code, shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.

(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-126. Amendments of plumbing code.

The plumbing code adopted in section 6-124 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances

amending the plumbing code shall be kept on file by the city clerk as public records and shall be kept available for public use and inspection during regular office hours.

(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Secs. 6-127 – 6-159. Reserved.

ARTICLE VI. MECHANICAL CODE*

Sec. 6-160. Reserved.

Sec. 6-161. Office of mechanical inspection supervisor established.

The office of mechanical inspection supervisor is established. The mechanical inspection supervisor shall be responsible to and under the authority of the building safety administrator.

(Ord. No. 5467, § 2, 11-16-81)

Sec. 6-162. Qualifications; assistants.

No person shall be appointed mechanical inspection supervisor who shall not possess the required minimum qualifications for that position as expressed in the position classification plan of the city. The mechanical inspection supervisor shall be assisted by mechanical inspectors who possess the required minimum qualifications for their respective positions as are expressed in the position classification plan of the city. The mechanical inspection supervisor may from time to time delegate to his assistants such of his authority as is necessary or desirable.

(Ord. No. 5467, § 2, 11-16-81)

***Editor’s note** – Section 1 of Ord. No. 5467, adopted November 16, 1981, repealed former art. VI, §§ 6-160 – 6-169, derived from 1953 Code, Ch. 9, §§ 71 – 77; Ord. No. 2353, § 2, adopted October 15, 1962; and Ord. No. 4777, §§ 2 – 4, adopted March 27, 1978. Section 2 adopted a new art. VI, §§ 6-161 – 6-167.

Section 3, not specifically amendatory of the Code, prescribes a penalty of \$1,000.00 or 90 days' imprisonment, or both. This section was subsequently repealed by § 1 of Ord. No. 5718. See the editor's note to § 6-167.

Cross reference – Technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of mechanical code, § 28-4(1).

Sec. 6-163. General duties.

The duties of the mechanical inspection supervisor shall be to inspect the installation of, and approve or condemn all mechanical equipment regulated by the adopted City of Tucson Mechanical Code; examine and approve plans and specifications for proposed installations or alterations, and confer and advise on necessary changes; certify to compliance with plans and specifications on mechanical work; make such reports as shall be required from time to time and make any recommendations to the building safety administrator which he may deem practical in connection with this article or its enforcement. (Ord. No. 5467, § 2, 11-16-81)

Sec. 6-164. Mechanical code adopted.

The documents entitled “International Mechanical Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “G” are hereby adopted.

(Ord. No. 5467, § 2, 11-16-81; Ord. No. 5774, § 1, 5-23-83; Ord. No. 5825, § 1, 8-1-83; Ord. No. 6570, § 1, 11-10-86; Ord. No. 7183, § 1, 4-24-89; Ord. No. 7795, § 1, 4-13-92; Ord. No. 8605, § 1, 11-20-95; Ord. No. 9491, § 5, 11-20-00; Ord. No. 9526, § 2, 3-19-01; Ord. No. 10182, § 1, 9-7-05; Ord. No. 10436, § 3, 7-10-07; Ord. No. 11042, § 7, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit G is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 6-165. Clerk to keep copies of mechanical code.

Three (3) copies of the mechanical code adopted in section 6-164 shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.

(Ord. No. 5467, § 2, 11-16-81)

Sec. 6-166. Amendments of the mechanical code.

The mechanical code adopted in section 6-164 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the mechanical code shall be kept on file by the city clerk as public records and shall be kept available for public use and inspection during regular office hours.

(Ord. No. 5467, § 2, 11-16-81)

Sec. 6-167. Fuel gas code adopted.

The document entitled “International Fuel Gas Code, 2012 Edition”, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “H” are hereby adopted.

(Ord. No. 10183, § 1, 9-7-05; Ord. No. 10417, § 6, 6-12-07; Ord. No. 11042, § 8, 12-18-12, eff. 1-2-13)

Editor’s note – Exhibit H is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Secs. 6-168 – 6-170. Reserved.

Chapter 13

FIRE PROTECTION AND PREVENTION*

Sec. 13-1.	Duties of the fire chief.
Sec. 13-2.	Reserved.
Sec. 13-3.	Code adopted by reference.
Sec. 13-4.	Clerk to keep copies of fire code and of rules and regulations.
Sec. 13-5.	Amendments to fire code.
Sec. 13-6.	Reserved.
Sec. 13-7.	Reserved.
Sec. 13-8.	Assumption of fire prevention minimum standards jurisdiction.
Sec. 13-9.	Restrictions on transportation of hazardous and radioactive materials.
Sec. 13-10.	Permits for transport of hazardous materials.
Sec. 13-11.	Appeal from permit denial, suspension or revocation.
Sec. 13-12.	Fees for permits for transport of hazardous materials.
Sec. 13-13.	Operation of motor vehicles carrying hazardous materials.
Sec. 13-14.	Reporting requirements.
Sec. 13-15.	Suspension of operations.

***Editor's note** – Ord. No. 4392, §§ 1, 2, adopted Oct. 13, 1975, amended the Code by repealing § 13-1 – 13-7 and adding in lieu thereof new §§ 13-1 – 13-7 pertaining to the same subject matter. Former §§ 13-1 – 13-7 were derived from the 1953 Code, ch. 12, § 10 and Ord. No. 4059, §§ 2, 3, 7-9-73. Subsequently, § 1 of Ord. No. 5607, adopted December 13, 1982, repealed §§ 13-1 – 13-11; § 2 adopted new §§ 13-1 – 13-6; and § 3 renumbered § 13.12 as § 13-7.

Cross references – Building, electrical, gas, and other construction regulations, ch. 6; regulation by blasting, § 11-4; regulation of burning of trash and other articles, § 11-5 et seq.; fireworks regulations, §§ 11-22, 11-23; damaging hydrants prohibited, § 11-31; interference with fire department, § 11-110 et seq.; authority of firemen to regulate traffic, § 20-10; following and parking near fire apparatus, § 20-148; driving over fire hose, § 20-149.

TUCSON CODE

Sec. 13-1. Duties of the fire chief.

The fire chief shall be responsible for the direction of all fire service activities including: emergency medical response, fire prevention, and fire safety education. The fire chief shall also be responsible for the planning and development of programs to protect life and property from fire and hazardous material releases. The fire chief shall also be responsible for the establishment of departmental policies, administrative and command structure, personnel assignments and rules necessary for the operation of the department. (Ord. No. 5607, § 2, 12-13-82; Ord. No. 8609, § 1, 1-2-96)

Sec. 13-2. Reserved.

Editor's note – Ordinance No. 8609, § 2, adopted January 2, 1996, deleted section 13-2 in its entirety. Formerly, such section pertained to bureaus of the fire department and derived from Ord. No. 5607, § 2, 12-13-82; Ord. No. 6738, § 1, 7-6-87.

Sec. 13-3. Code adopted by reference.

The 2012 Edition of the International Fire Code published by the International Code Council, with those local modifications attached as Exhibit A to Ordinance No. 11040, is hereby adopted and made a part hereof as if set forth at length and shall be the Fire Code of the City of Tucson.

(Ord. No. 5607, § 2, 12-13-82; Ord. No. 6029, § 1, 6-11-84; Ord. No. 6740, § 1, 7-6-87; Ord. No. 7445, § 1, 7-2-90; Ord. No. 8031, § 1, 4-26-93; Ord. No. 8609, § 1, 1-2-96; Ord. No. 9120, § 1, 9-28-98; Ord. No. 9609, § 1, 10-1-01; Ord. No. 10036, § 1, 9-7-04; Ord. No. 10437, § 1, 7-10-07; Ord. No. 11040, § 1, 12-18-12, eff. 1-1-13)

Editor's note – Exhibit A is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

Sec. 13-4. Clerk to keep copies of fire code and of rules and regulations.

Three (3) copies of the fire code adopted in section 13-3, of all fee schedules adopted pursuant to section 13-12, and of any amendments to any of the above shall be filed in the office of the city clerk and made public records and shall be available for public use and inspection during regular office hours and shall

be of full force and effect immediately upon such filing.

(Ord. No. 5607, § 2, 12-13-82; Ord. No. 6581, § 1, 12-8-86)

Sec. 13-5. Amendments to fire code.

The fire code adopted in section 13-3 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the fire code shall be kept on file in the office of the city clerk as public records and shall be available for public use and inspection during regular office hours.

(Ord. No. 5607, § 2, 12-13-82)

Sec. 13-6. Reserved.

Editor's note – Ordinance No. 11040, § 2, adopted December 18, 2012 and effective January 1, 2013, deleted section 13-6 in its entirety. Formerly, such section pertained to violation declared a civil infraction and derived from Ord. No. 5607, § 2, 12-13-82; Ord. No. 5721, § 2, 2-28-83; Ord. No. 6581, § 2, 12-8-86; Ord. No. 8958, § 4, 9-22-97; Ord. No. 9609, § 2, 10-1-01; and Ord. No. 10036, § 2, 9-7-04.

Sec. 13-7. Reserved.

Editor's note – Section 13-7, relating to transportation of radioactive materials, derived from Ord. No. 5148, § 1, adopted December 14, 1981, and Ord. No. 5607, § 3, adopted December 13, 1982, was repealed by § 3 of Ord. No. 6581, adopted December 18, 1986. See new §§ 13-9 – 13-15.

Sec. 13-8. Assumption of fire prevention minimum standards jurisdiction.

The city assumes from the state fire marshal all jurisdiction to prescribe minimum standards for fire prevention throughout the territorial jurisdiction of the city, except with respect to state- or county-owned and operated buildings and public schools, wherever located therein.

(Ord. No. 6031, § 1, 6-11-84)

Sec. 13-9. Restrictions on transportation of hazardous and radioactive materials.

Hazardous materials required to be placarded under 49 C.F.R. part 172, as amended, and radioactive materials subject to regulation under 10 C.F.R. section 71.5, as amended, may not be transported within the

city except on truck routes as established by section 20-15 of this Code, notwithstanding the fact that the transporting vehicle does not exceed minimum qualifying weights or sizes as set out in that section. (Ord. No. 6581, § 4, 12-8-86)

Sec. 13-10. Permits for transport of hazardous materials.

(a) A nontransferable permit for hazardous transport shall be required annually for each person who transports in commerce through the city any hazardous material, other than radioactive material, diesel fuel and gasoline, in quantities required to be placarded by title 49 of the Code of Federal Regulations. A permit for hazardous transport shall be required for gasoline or diesel fuel transported in quantities of one hundred eleven (111) gallons or more. A permit for hazardous transport shall expire one (1) year from the date it is issued.

(b) Any person required by this section to obtain a permit for hazardous transport shall apply to the fire chief for such a permit prior to the intended date of movement of hazardous material into, through or within the city. A permit

for a lawful purpose and the person is accompanied by a parent, guardian, teacher or other person in a similar relationship over the age of eighteen (18).

(4) No person under the age of eighteen (18) may buy any aerosol spray paint container or etching solution from any person or firm.

(5) *Penalties.* A violation of this subsection shall constitute a class one (1) misdemeanor and shall be punished as provided below. Except as otherwise provided in this section, no judge shall suspend the imposition of any of the mandatory minimum penalties required by this section.

a. Together with any other penalties as provided by law, a person convicted of violating subsection (1) shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) and not less than twenty (20) hours community service. In addition to any other punishment, the court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in an amount to be determined by the court. In cases of financial hardship as determined by the court, additional community service hours may be imposed in lieu of fines. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.

b. Together with any other penalties as provided by law, a person convicted of violating subsection (2) or (3) shall be punished by a fine of not less than one hundred (\$100.00) dollars and not less than twenty (20) hours of community service. In cases of financial hardship as determined by the court, additional community service hours may be imposed in lieu of fines. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.

c. A person convicted of violating subsection (4) shall be punished as provided for in A.R.S. Tit. 8.

d. The court may order the parent or guardian of a minor child who had knowledge that the minor child intended to engage in or was engaging in an act of graffiti as described in subsection (1) to assist the minor child in payment of restitution and/or performance of community service.

(c) *Sale, storage and display of spray paint containers or etching solution.*

(1) No person shall sell, deliver, transfer or give spray paint containers or etching solution to persons under age eighteen (18). Evidence that a person examined acceptable evidence of age and acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this subsection. This subsection does not apply to the transfer of an aerosol spray paint container or etching solution from a parent to child, guardian to ward, employer to employee, teacher to student or in any other similar relationship when such transfer is for a lawful purpose.

(2) Spray paint containers or etching solutions sold at retail establishments shall be stored or displayed either (a) in an area that is inaccessible to the public without employee assistance in the regular course of business or (b) within fifteen (15) feet of a cash register and within the line of sight of a cashier at all times.

(3) Identification shall be required of purchasers of spray paint containers or etching solution appearing to be under the age of twenty-six (26). A retailer shall not be found responsible for violation of this subsection unless the failure to require identification resulted in a sale of spray paint or etching solution to a person under age eighteen (18).

- (4) No person shall sell, deliver, transfer or display spray paint containers or etching solution at swap meets, yard sales, garage sales, or other like events.
- (5) A retailer shall be responsible for the violation of any provision of this section by its employees.
- (6) *Penalty.* A violation of any provision of this subsection constitutes a civil infraction. A person found responsible for a violation of any provision of this subsection shall be fined not less than two hundred dollars (\$200.00). The fine amount of each subsequent violation of any provision of this subsection within a consecutive 365-day period shall increase by increments of three hundred dollars (\$300.00) for each violation. No magistrate, special magistrate or limited special magistrate may suspend the imposition of the minimum fines prescribed herein.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 7, 3-1-05; Ord. No. 10393, §§ 2, 3, 4-24-07; Ord. No. 10833, § 6, 8-4-10; Ord. No. 10865, § 1, 12-21-10)

Sec. 16-31. Excessive noise.

(a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I Use of Property Receiving the Sound		
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	70	62
Commercial	72	65
Industrial	85	70

All limits expressed in dB(A)

(b) *Other noises prohibited; standards for excessive noise.* Some sounds may be such that they are not measurable by the sound level meter or may not exceed the limits set forth in subsection (a) of this section, but nonetheless may be excessive and may disturb the peace and quiet of a neighborhood or person. Noises prohibited by this subsection are in violation of this chapter notwithstanding the fact that there is no apparent violation of subsection (a) of this section. The following activities are prohibited if they produce plainly audible sound beyond the property line of the property on which they are conducted and they disturb the peace and quiet of a neighborhood or person:

- (1) Allowing or causing any continuous or intermittent noise that persists for a period of at least fifteen (15) minutes and which is caused by using, operating or permitting to be played any radio, television, tape deck, record player, amplifier, musical instrument, or instrument, machine or device used for the production, reproduction or emission of sound;
- (2) Creating or allowing a loud, disturbing noise in connection with the loading or unloading of any vehicle;
- (3) Owning, possessing, harboring or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds. Any peace officer or any county animal control officer is hereby authorized to issue citations to owners for any violation of this subsection;
- (4) Allowing or causing any shouting, yelling, screaming or any other form of raucous vocalization by a person or group of people.

(5) Any noise created by construction activities including, but not limited to, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted from 8:00 p.m. through sunrise Mondays through Saturdays, and at any time on Sundays and legal holidays; except that a person may engage in the above listed activities at that person’s own residence from sunrise through 8:00 p.m. Mondays through Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays or legal holidays.

(c) *General exemptions.* The following activities are exempted from the provisions of subsections (a) and (b):

- (1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger;
- (2) Sound made to alert persons to the existence of an emergency, danger or attempted crime;
- (3) Activities or operations of governmental units or agencies;
- (4) Parades, concerts, festivals, fairs or similar activities that remain within any sound limits approved by the city;
- (5) Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities;

(d) *Temporary exemptions.* The city manager is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought. A temporary exemption must be in writing and signed by the city manager and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized. A temporary exemption may be granted

only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed thirty (30) days. The following factors shall be considered by the city manager in determining whether to grant a temporary exemption:

- (1) The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;
- (2) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article;
- (3) The level of the sound to be generated by the event or activity;
- (4) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;
- (5) The density of population of the area in which the event or activity is to take place;
- (6) The time of day or night which the activity or event will take place;
- (7) The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

(e) *Variances.* Persons wishing to continue activities which commenced prior to this article and which create noise in excess of the permitted levels may seek a variance from the board of adjustment. Such a variance may be granted if the board finds that strict application of this chapter would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

(f) *Noisy vehicles, motors prohibited.* No person may use any automobile, motorcycle or other vehicle,

engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(g) *Mufflers required on mechanical devices; cutouts prohibited.* No person may operate any mechanical device operated by gasoline, or otherwise, without having a muffler, in good working order and in constant operation, to prevent excessive or unusual noise and smoke; and no person shall use a muffler cutout, bypass or similar device.

(h) *Hours for operation of engines other than on public highways.* No person may operate or use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, on race tracks, race courses, or other similar tracks or courses at places of amusement, not being public highways, between the hours of 10:30 p.m. and 8:00 a.m. on Sundays through Thursdays, or between the hours of 12:00 midnight and 8:00 a.m. on Fridays and Saturdays. The above hours of use may be extended to 12:00 midnight, provided any sound emission is not in excess of seventy (70) dB(C), measured at a distance of one hundred (100) feet from the automobile, motorcycle or other vehicle, engine or motor.

(i) *Noise by street vendors, advertisers.* No person may produce any sound in connection with the sale, advertising or display of merchandise from a pushcart, bicycle or vehicle:

- (1) In excess of seventy (70) dB(A), measured at a distance of fifty (50) feet from the pushcart, vehicle or bicycle;
- (2) While such pushcart, bicycle or vehicle is not in motion; or
- (3) Between the hours of 1:00 p.m. and 3:00 p.m. and between the hours of 9:00 p.m. and 10:00 a.m.

(j) *Persons responsible for noise violations.* If the person responsible for an activity that violates this section cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

(k) *Sound amplification systems in vehicles.* Noise from sound amplification systems in vehicles cannot be practically regulated by imposing decibel limits as decibel measurements are difficult to obtain from moving vehicles. Noises prohibited by this subsection are in violation of this article notwithstanding the fact that there is no apparent violation of subsection (a) of this section.

- (1) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the peace and quiet of any person or neighborhood in the vicinity.
- (2) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner that the sound is plainly audible at a distance of fifty (50) feet, or in such a manner that it causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet.
- (3) Exemptions. This subsection shall not apply to:
 - a. Amplification systems being operated to request assistance of an emergency nature or to warn of a hazardous situation;
 - b. Authorized emergency vehicles;
 - c. Vehicles operated by utility companies;
 - d. Vehicles used in parades, concerts, festivals, fairs or similar activities that remain within any sound limits approved by the city; or
 - e. Amplification systems in vehicles which are operated on private property with the permission of the owner and which are not plainly audible beyond the property line.

(l) *Penalty.* Any person found responsible under this section for a violation of this article shall be guilty

of a civil infraction and punished in accordance with minor section 1-8(2) and under the procedures outlined in Chapter 8 of this City Code. The court shall also enter an order of abatement against a party found responsible for a violation of this article pursuant to Chapter 8 of this City Code.

(m) *Enforcement.* The police department and city attorney are authorized to enforce the provisions of this section. A complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible for a violation of this section.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 8, 3-1-05; Ord. No. 11024, § 1, 10-9-12, eff. 11-1-12)

Sec. 16-32. Unruly gatherings.

(a) *Definitions.* For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:

Owner means any owner, as well as any agent of an owner acting on behalf of the owner to control or otherwise regulate the occupancy or use of the property.

Premises means the property that is the site of an unruly gathering. For residential properties, premises means the dwelling unit or units where the unruly gathering occurs.

Unruly gathering means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

(b) *Abatement of unruly gathering.* A peace officer may abate an unruly gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, and dispersal of the persons attending the gathering.

(c) *Notice of unruly gathering; posting; removal of notice prohibited; right to contest posting.*

- (1) *Contents of notice.* The premises at which the unruly gathering occurs shall be posted with a notice stating:
 - a. That an unruly gathering has occurred at the premises;
 - b. The date of the unruly gathering;
 - c. That any subsequent unruly gathering on the same premises within a one hundred eighty (180) day period shall result in liability for the penalties provided in this section. Parties liable include any persons in attendance causing the gathering to be unruly, or any owner, occupant or tenant of the premises at which the unruly gathering occurred, or any sponsor of the event constituting the unruly gathering; and
 - d. The right to contest the posting as provided in subsection (c)(4) of this section.
- (2) *Posting requirements.* Premises shall be posted with a notice as provided in this section each time an unruly gathering occurs. The owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

In the event that a premises is already posted at the time of a subsequent posting, the one hundred eighty (180) day period from the date of the existing posting shall be extended to one hundred eighty (180) days from the date of the subsequent posting. Once a premises is initially posted as a result of an unruly gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the premises resulting in another police response shall constitute a new and separate unruly gathering for purposes of this section.

(3) *Removal of notice prohibited.* The owner, occupant, or tenant of the posted premises shall be responsible for ensuring that the notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted notice is a civil infraction carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine, in addition to any other penalties which may be imposed under this section.

(4) *Right to contest posting.*

- a. An owner, occupant, or tenant of the posted premises may contest the posting of the notice by filing a written petition for review with the civil infractions division of the city court requesting that the court determine whether justification existed for posting of the notice under the provisions of this section. The petition must be filed within ten (10) days after the posting of the notice or, if the notice is given by mail, within fifteen (15) days after the date of the mailing of the notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the city has the burden of proving by a preponderance of evidence that the posting of the notice was justified pursuant to the provisions of this section.
- b. An owner of a posted premises, at any time after the posting or the mailing of the notice, may petition the court for an order directing the removal of the notice on the grounds that the owner has taken

DIVISION 4. LIQUOR AND VENDING MACHINE LICENSE TAX*

Sec. 19-51. Imposition – Liquor license tax.

Businesses in the city, selling alcoholic beverages, shall possess a city liquor license and pay a license tax as set out in section 19-52 of this article. (Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 5, 9-27-93)

Sec. 19-52. Quarterly – Liquor license fee schedule.

Series 1.	Distiller’s License	\$225.00
Series 2.	Brewer’s License	\$202.50
Series 3.	Winer’s License	\$103.50
Series 5.	Government License	\$342.00
Series 6.	Bar License – All Spirituous Liquor	\$274.50
Series 7.	Bar License Beer and Wine	\$117.00
Series 9.	Liquor Store License Packaged Goods	\$94.50
Series 10.	Beer and Wine Store License – Packaged Beer and Wine	\$90.00
Series 11.	Hotel/Motel License – All Spirituous Liquor Consumed on Premises	\$342.00
Series 12.	Restaurant License – All Spirituous Liquor Consumed on Premises	\$342.00
Series 14.	Club License	\$ 61.20
Series 17.	Governmental License to Serve and Sell Spirituous Liquor on Special Premises	\$405.00
Series 18.	Daily On-Sale Special Event License	None

(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-53. Applications.

Application fees are based on full cost recovery. Application processing costs shall be reviewed in conjunction with the city’s biennial budget process to ensure that cost recovery is being achieved. Applications for liquor licenses for establishments located within the city limits, whether original or transfer, shall be made in accordance with the following procedure:

- (1) Application shall first be made with the State of Arizona Department of Liquor Licenses and Control in such form and manner as required by the director.
- (2) A copy of the state application will be sent to the city clerk by the State of Arizona Department of Liquor Licenses and Control.
- (3) An application for a special event license and an extension of premises shall be filed with the city clerk forty-five (45) days before the date of its proposed use in order to be considered timely. Applications filed between twenty-two (22) and forty-four (44) days prior to the date of proposed use shall incur additional late processing fees conforming to the schedule under subsection (4) below. No application for a special event license or extension of premises shall be accepted within twenty-one (21) days before its proposed use, except that the city clerk or the clerk’s designee may grant a one-time only waiver to an organization or applicant after consultation with the ward office where the use will occur.
- (4) Upon receipt of a copy of the state application by the city for a license, the applicant shall pay a nonrefundable application fee to the city conforming to the following schedule:

*Note – Formerly, Art. I, Div. 3. Renumbered Art. I, Div. 4 by § 10 of Ord. No. 10448.

<i>License Type</i>	<i>Applicable Fee</i>
<i>Regular</i>	
Original License	\$1,636.00
Location Transfer	\$1,636.00
Person Transfer	\$1,636.00
Person/Location Transfer	\$1,636.00
Continuation of Restaurant License	\$1,636.00
<i>Agent Change – Acquisition of Control – Restructure</i>	\$463.00
<i>Special Event/Wine Festival/Wine Fair</i>	
0 – 500 Attendees	\$125.00
501 – 2,500 Attendees	\$240.00
2,501 – 5,000 Attendees	\$297.00
Over 5,000 Attendees	\$480.00
Late Processing Fee (Day 30 to Day 44)	\$75.00
Late Processing Fee (Day 22 to Day 29)	\$125.00
<i>Temporary Extension of Premises</i>	
Initial Application	\$25.00 per 100 square feet, up to a maximum of \$526.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$15.00 per 100 square feet, up to a maximum of \$526.00
Late Processing Fee (Day 30 to Day 44)	\$75.00
Late Processing Fee (Day 22 to Day 29)	\$125.00

<i>License Type</i>	<i>Applicable Fee</i>
<i>Permanent Extension of Premises</i>	
Initial Application	\$60.00 per 100 square feet, up to a maximum of \$1,344.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$35.00 per 100 square feet, up to a maximum of \$1,344.00

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9839, §§ 1 – 3, 5-5-03; Ord. No. 10402, § 1, 5-15-07; Ord. No. 10554, § 1, 6-25-08, eff. 8-1-08; Ord. No. 10836, § 1, eff. 9-8-10; Ord. No. 10919, § 1, 8-9-11; Ord. No. 11022, § 1, 9-19-12, eff. 11-1-12)

Sec. 19-54. Vending machines license fees.

(a) Before being granted a distributor’s license, each applicant therefor shall pay an annual license tax which is hereby imposed in the amount of one hundred fifty dollars (\$150.00) for licenses issued prior to April 1; one hundred twelve dollars and fifty cents (\$112.50) for licenses issued after March 31 and prior to July 1; seventy-five dollars (\$75.00) for licenses issued after June 30 and prior to October 1; and thirty-seven dollars and fifty cents (\$37.50) for licenses issued after September 30 of each calendar year. All distributors’ licenses will expire on December 31 of each calendar year. In addition, there shall be paid an annual tax of six dollars (\$6.00) per machine operating or operated in the city, listed in the application. For each machine placed in operation by a new licensee and for each additional machine placed in operation by existing licensees on and after July 1 of each calendar year, the six dollars (\$6.00) tax shall be reduced to three dollars (\$3.00) for the calendar year remainder.

(b) Each owner-operator shall pay a six dollar (\$6.00) annual registration tax for each machine placed in operation prior to July 1 of each year and a three dollar (\$3.00) proportional registration tax for each machine placed in operation on or after that date. All machine registrations shall expire on December 31 of each year and must be renewed annually. (Ord. No. 7885, § 2, 8-3-92)

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

Ordinance Number	Date	Section	Disposition
10967	2-28-12	1	Ch. 7, Art. XXI, Div. 1 (tit.)
		2	Added 7-449
		3	7-450
		4	7-453
		5	Added 7-465 – 7-479
		6	Rpld 11-2
10986	5-22-12	1	15-10.1
		2	15-16.1
			15-16.6
		3	15-31.1
			Added 15-31.4
			Added 15-31.5
			Added 15-31.6
			Added 15-31.7
			Added 15-31.8
			Added 15-31.9
		4	15-32.2
			15-32.5
		5	15-33.1
			15-33.2
		6	15-34.3
	15-34.6		
	15-34.7		
7	15-34.8		
8	15-36		
9	15-70		
	Added 15-70.1		
10987	5-22-12	1	27-32.1
			27-33
			27-34
10989	6-5-12	2	10-31 (note)
		3	10-31(7) (note)
			10-31(8) (note)
			10-33 (note)
			10-33.1 (note)
			10-34 (note)
			10-34.1 (note)
			10-35 (note)
			10-48 (note)
			10-49 (note)
			10-52 (note)
			10-53 (note)
			10-53.1 (note)
			10-53.2 (note)
			10-53.3 (note)
	10-53.4 (note)		
	10-53.5 (note)		

TUCSON CODE

Ordinance Number	Date	Section	Disposition
10991	6-12-12	1	22-86
		2	22-95
10992	6-12-12	1	Added 28-39
10993	6-12-12	1	28-147 (eff. 7-1-13)
			28-148 (eff. 7-1-13)
			28-149 (eff. 7-1-13)
			28-150 (eff. 7-1-13)
			28-151 (eff. 7-1-13)
			28-151.1 (eff. 7-1-13)
			28-151.2 (eff. 7-1-13)
			28-151.3 (eff. 7-1-13)
			28-151.4 (eff. 7-1-13)
			28-151.5 (eff. 7-1-13)
10996	6-19-12	1	8-2.5
10999	6-19-12	1	Added 27-52
11000	6-26-12	1	21-10
		2	21-12
		3	21-13.1
		4	21-14
		5	21-16
		6	Added 21-18.1
		7	21-51
11014	8-7-12	1	16-32
11016	9-5-12	2	Rpld 10A-160 – 10A-164
		3	Added 10A-160
11020	9-11-12	1	22-30(d)
		2	22-33(b)
		3	22-41(b)
		4	22-43(e)
11022	9-19-12	1	19-53
11024	10-9-12	1	16-31
11027	10-9-12	1	4-3
11032	11-7-12	1	3-33, 3-82
11033	11-20-12	1	1-19
		2	1-20
11040	12-18-12	1	13-3
		2	Rpld 13-6
11042	12-18-12	1	6-34
		2	6-38
		3	6-40
		4	6-66
		5	6-84
		6	6-124
		7	6-164
		8	6-167

CODE INDEX

	Section		Section
FINANCES (Cont'd.)		FIRE DEPARTMENT (Cont'd.)	
Officers and employees		Interference with.	11-110
Civil service, human resources		Condemnation sign, refusal to obey order of fire chief.	11-114
Compensation plan		Placement of ropes or guards by police; violation.	11-111
Additional compensation to defray housekeeping costs for commissioned fire personnel.	10-53.6	Vehicles obstructing progress of fire apparatus.	11-112
Honor guard assignment pay for fire commissioned personnel.	10-53.5	Violations	
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		Penalty.	11-115
Procurement.	28-1 et seq.	Police placement of ropes or guards, violation.	11-111
Social security.	22-13 et seq.	Officers and employees	
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		Civil service, human resources	
Transit system fare subsidy program for low- income individuals.	2-22	Compensation plan	
Warrants; statute of limitations on unpaid.	2-7	Additional compensation to defray housekeeping costs for commissioned fire personnel.	10-53.6
Water utility fund, receipts to be deposited in.	27-7	Honor guard assignment pay for fire commissioned personnel.	10-53.5
FINES, FORFEITURES AND OTHER PENALTIES		Parking	
City court, fixing fines, penalties, etc., by magistrates.	8-5	Police/fire vehicle parking.	20-231
Code of Ordinances		Ropes or guards, police placement of; violations.	11-111
General penalty; misdemeanor; civil infractions; continuing violations.	1-8	Vehicles obstructing progress of fire apparatus.	11-112
For specific fines, penalties for specific violations. See in this index specific subjects as indexed		Violations, penalty.	11-115
FINGERPRINTING		FIRE HYDRANTS. See: FIRE OR RESCUE APPARATUS	
Intermittent program instructors who work directly with children; fingerprinting and criminal history record check of.	2-25	FIRE OR RESCUE APPARATUS	
Licensing regulations re businesses		Driving over fire hose.	20-149
Fingerprinting procedures.	7-425	Fire hydrants, injuring.	11-31
Parks and recreation department personnel and volunteers who work directly with children		Following.	20-148
Annual fingerprinting and criminal history record check of.	2-25	Vehicles obstructing progress.	11-112
FIRE DEPARTMENT		FIRE PROTECTION AND PREVENTION	
Barricades, ropes or guards, police placement of.	11-111	Burning trash, other articles	
Condemnation sign, refusal to obey order of fire chief or building official.	11-114	Nuisance declaration.	11-5
Fire apparatus, vehicles obstructing.	11-112	Permit	
Fire chief		Application.	11-7
Compensation plan		Cooking devices, not required for.	11-8
Fire battalion chief call back shift pay.	10-35	Dense smoke defined; chart adopted.	11-10
Duties.	13-1	Duration.	11-9
Notification to required of possession of hazardous substances by auctions and auctioneers.	7-7	Failure to comply with conditions.	11-9
Refusal to obey order of.	11-114	Fee.	11-7
Residency requirement for specified city officers and employees.	2-4	Information shown on.	11-9
		Issuance or denial.	11-7
		Required.	11-6
		Not required for cooking devices.	11-8
		Prohibited generally.	11-5
		Code	
		Adopted by reference.	13-3
		Amendments.	13-5
		Copies of, keeping by clerk.	13-4
		Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume	

TUCSON CODE

	Section		Section
FIRE PROTECTION AND PREVENTION (Cont'd.)		FIREARMS AND WEAPONS (Cont'd.)	
Fire chief, duties.	13-1	Slings.	11-1
Hazardous and radioactive materials, transportation of		Transfer of handguns	
Operation of motor vehicles carrying.	13-13	Fees chargeable for background check before.	2-24
Permits.	13-10	FIREWORKS	
Appeal from denial, suspension or revocation.	13-11	Generally.	11-22
Fees.	13-12	Rodeo parade	
Reporting requirements.	13-14	Prohibition of certain fireworks items and activities and other parade events.	11-69
Restrictions on.	13-9	Solid waste collection; recycling, etc.	
Denial, suspension or revocation		Environmental services department.	15-10.1 et seq.
Appeal from.	13-11	See: ENVIRONMENTAL SERVICES DEPARTMENT	
Fees.	13-12		
Suspension of operations.	13-15	FIRMS	
Inspectors		Definitions and rules of constructions.	1-2(9), (16)
Incentive pay for fire prevention inspectors.	10-34	FISHING	
Installation of backflow prevention assemblies for fire systems.	27-77	Parks and recreation, regulations relating to fishing.	21-3(2)
Library grounds; crimes on		FLAG OR PENNANTS	
Fires and combustible materials.	11-160(8)	Displaying United States flag at polls.	12-8
Minimum standards		FLAMMABLE OR COMBUSTIBLE PRODUCTS, SUBSTANCES	
Assumption of jurisdiction.	13-8	Civil emergencies, additional powers of mayor regarding closing of certain establishments.	11-103
Permits		Crimes on library grounds	
Burning trash, other articles. See herein that subject		Fires and combustible materials.	11-160(8)
Hazardous and radioactive materials, transportation of. See herein that subject		Solid waste collection; recycling, etc.	
Radioactive materials. See herein: Hazardous and Radioactive Materials, Transportation of		Environmental services department.	15-10.1 et seq.
Rules and regulations		See: ENVIRONMENTAL SERVICES DEPARTMENT	
Clerk to keep copies of.	13-4	FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT	
Water, charges for fire protection service.	27-34	Appeals.	26-12
FIRE SALES		Applicability.	26-1.2
Going-out-of-business, fire, etc., sales.	7-80 et seq.	Authority.	26-1.1
See: GOING-OUT-OF-BUSINESS, FIRE, ETC., SALES		Coordination with other agencies.	26-15
FIREARMS AND WEAPONS		Definitions.	26-2
Air guns.	11-1	Detention/retention systems.	26-10
Bean shooters.	11-1	Development	
Civil emergencies, additional powers of mayor regarding discontinuance of sale or distribution of firearms.	11-103	Floodplain and erosion hazard area development.	26-5
Disposition of unclaimed, forfeited firearms taken in by police department.	2-142	Floodway development.	26-5.1
Library grounds; crimes on		Floodway fringe development.	26-5.2
Weapons prohibited.	11-160(10)	Nonconforming development.	26-4.1
Parks and recreation		Subdivision and development project requirements.	26-8
Regulations relating to firearms, explosives, etc.	21-3(5)	Enforcement.	26-13
Pawnbrokers and secondhand dealers.	7-97 et seq.	Floodplain boundaries, elevations.	26-3
See: PAWNBROKERS AND SECONDHAND DEALERS		Revisions.	26-3.1
Possession of firearms or air guns by minors.	11-55	Liability, disclaimer of.	26-14
		Manufactured homes, manufactured home parks and subdivisions, standards for.	26-9